

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-39680-2017 (O&M)
Date of decision: 30.10.2017

Rohit Kumar alias Pinka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Munish Puri, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.72 dated 02.08.2017, registered under Section 376 IPC and Sections 6, 7 and 8 of Protection of Children from Sexual Offences Act at Police Station Shahpur Kandi, District Pathankot.

Learned counsel for the petitioner contends that the statement of prosecutrix was recorded under Section 164 Cr.P.C. on 03.08.2017 in which she herself has not supported the allegation of rape.

Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Naresh Kumar, also submits that after due investigation, cancellation report has been prepared which is yet to be submitted.

Heard learned counsel for the parties, in view of the fact that the investigation is complete and that the prosecutrix has suffered a statement under Section 164 Cr.P.C., this is a fit case for grant of regular

bail since he is in custody. Petitioner is ordered to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

It is, however, made clear that in case the cancellation report is not accepted, the bail granted to the petitioner shall stand cancelled and the petitioner be sent to jail.

Petition stands disposed of.

30.10.2017

Divyanshi

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No